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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,833	08/05/2004	Patrick W. Bixenman	68.0414	4832
35204	7590	11/13/2006	EXAMINER	
SCHLUMBERGER RESERVOIR COMPLETIONS			GAY, JENNIFER HAWKINS	
14910 AIRLINE ROAD			ART UNIT	
ROSHARON, TX 77583			PAPER NUMBER	
			3672	

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/710,833

**Applicant(s)**

BIXENMAN ET AL.

**Examiner**

Jennifer H. Gay

**Art Unit**

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 17-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 25-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/5/04, 5/24/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 17-24 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 30<sup>th</sup>, 2006.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, 5, 8, 9, 14, and 25-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Moore (US 6,148,925).

*Regarding claims 1, 2, 32:* Moore discloses a conduit for suspending a tool within a wellbore. The conduit includes the following features:

- A length of conduit **34**.
- A cable **36** inserted into the conduit where the cable has buckles that directly contact the interior surface of the conduit at a plurality of locations along the length of the conduit to prevent longitudinal movement of the cable within the conduit (3:62-4:8).

*Regarding claim 4:* The conduit is coiled tubing.

*Regarding claim 5:* The cable is an electrical power cable.

*Regarding claim 8:* The compressive force on the cable is less than a total weight of the cable.

*Regarding claims 9, 28, 29:* The cable buckles form a uniform helix within the length of the conduit.

*Regarding claims 14, 26:* Moore further discloses a method for installing the cable within the conduit that involves inserting a first length of cable into the length of

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the conduit and inserting a second length of cable into the conduit to form buckles. (The examiner notes that a second length of cable is not specifically disclosed but is considered to be inherent because cable does not come in infinite lengths and thus a second length of cable may be required to complete the length of the conduit.

*Regarding claim 25:* Moore further discloses a method for fabricating a length of conduit that involves installing the cable during the fabrication. The method involves rolling a strip of metal to create a length of tubular material, inserting the cable into the tubular material so that it buckles therein, sealing the tubular material to create a conduit with a buckled cable disposed therein (3:62-4:8).

*Regarding claim 26:* The tubular member is sealed by welding or annealing.

*Regarding claim 30:* The difference between the length of the cable and the length of the cable is about 05 feet of cable per 1000 feet of conduit.

*Regarding claim 31:* The cable is remains evenly distributed within the conduit when installed.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Denison et al. (US 4,095,865).

Moore discloses all of the limitations of the above claim(s) except for the conduit being jointed tubing.

Denison et al. disclose a wellbore tubular that is jointed tubing with an electrical power cable disposed therein. The cable is buckled along the length of the tubing and touches the interior surface thereof.

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It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the conduit of Moore to be jointed tubing as taught by Denison et al. in order to have been able to use the conduit as a drill string or for other purposes for which coiled tubing is not optimal.

6. Claims 6, 7, 10, 12, 13, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of McHugh et al. (US 5,954,136).

*Regarding claims 6, 7, 10, 15, 16:* Moore discloses all of the limitations of the above claim(s) except for operatively connecting one end of the conduit to an electric submersible pumping system.

McHugh et al. discloses a tubing system similar to that of Moore. McHugh et al. further discloses using the conduit to suspend and power an ESP within a wellbore.

It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have used the conduit of Moore to suspend and power an ESP within a wellbore as taught by McHugh et al. in order to have used a power conduit where the electrical power cable was not subject to the stress of the weight of the pumping system.

*Regarding claim 12:* The conduit is coiled tubing.

*Regarding claim 13:* The cable can be disposed within the conduit at the surface.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of McHugh et al. as applied to claim 10 above, and further in view of Denison et al.

Moore and McHugh et al. disclose all of the limitations of the above claim(s) except for the conduit being jointed tubing.

Denison et al. disclose a wellbore tubular that is jointed tubing with an electrical power cable disposed therein. The cable is buckled along the length of the tubing and touches the interior surface thereof.

It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the conduit of Moore in view of McHugh

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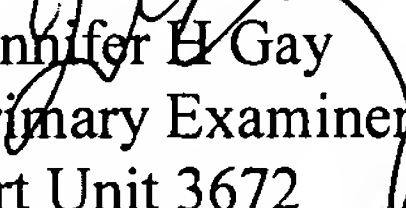
et al. to be jointed tubing as taught by Denison et al. in order to have been able to use the conduit as a drill string or for other purposes for which coiled tubing is not optimal.

### **Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer H. Gay whose telephone number is (571) 272-7029. The examiner can normally be reached on Monday through Friday from 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jennifer H. Gay  
Primary Examiner  
Art Unit 3672

JHG 

November 6, 2006